

Demolition Delay Bylaws and Ordinances

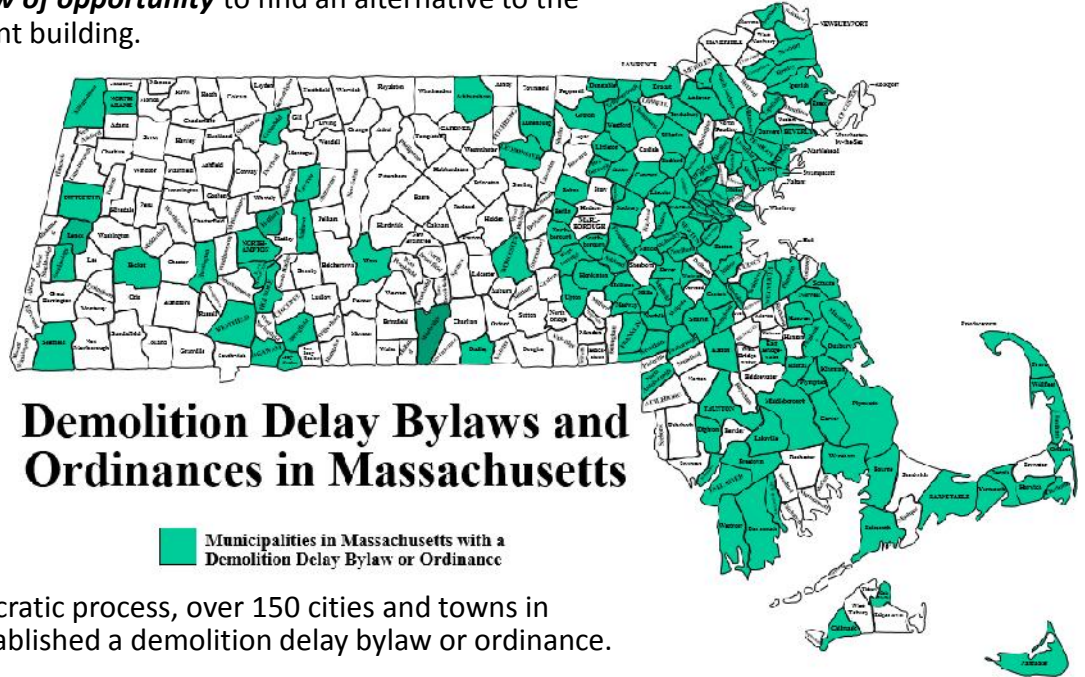
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Demolition Delay is a limited tool but it does exactly what it was designed to do. It provides a **window of opportunity** to find an alternative to the demolition of a significant building.

A demolition delay bylaw/ordinance is an essential preservation tool for every city and town.



Through the local democratic process, over 150 cities and towns in Massachusetts have established a demolition delay bylaw or ordinance.

The delay is typically 6, 12 or 18 months but 24 months has also passed at the local level.

Most of the demolition delay bylaws and ordinances in Massachusetts are based on the age of the building, such as buildings that are older than 50 years or 75 years. This type of bylaw or ordinance works best for most cities and towns.

If you already have a demolition delay bylaw or ordinance, it is recommended that you review your existing demolition delay bylaw/ordinance and compare it to the sample bylaw/ordinance prepared by the Massachusetts Historical Commission.



The Willys-Overland Building, Springfield, was proposed for demolition through the demolition delay ordinance. It was found preferably preserved by the Springfield Historical Commission and subsequently established as a single building local historic district by the Springfield City Council, thereby not just delaying the demolition but permanently preventing its demolition. A new owner rehabilitated this industrial building to rental housing units.

Demolition Delay Typical Flow Chart

The Demolition Delay Application is Submitted to the Building Inspector



Application is forwarded to the Historical Commission



Historical Commission
Determination of Significance



Public Hearing



Historical Commission
Determination of Preferably Preserved



Delay of Demolition



Consideration of Options including those that have been successful elsewhere in MA



There are many successes with demolition delay. Shown here are demolition delay successes from Boston, Eastham, Reading and Worcester. Additional successes can be obtained from the Massachusetts Historical Commission

Determination of Significance

The National Register of Historic Places Criteria

A - Association with events, activities, or patterns.

B - Association with important persons.

C - Distinctive physical characteristics of design, construction or form.

D - Potential to yield important information.

Criteria for determining significance may be included within the bylaw. The National Register criteria can be very helpful in the determination of significance. Most properties on the National Register are listed because they are significant at the local level.

Determination of Preferably Preserved

Following a public hearing, the commission deliberates whether the building should be found preferably preserved. This is based on what is in the public interest. Quite often, an independent evaluation of the condition of the property is needed, one that does not rely on the applicant. The decision could be based on the structural analysis of the building, likelihood for rehabilitation and future plans for the property.

Typical Successful Options During the Delay Include:

Publicity in the media

Owner persuasion

Working with other local boards

Historical commission commitment and drive

Community Preservation Act and Preservation Restrictions

Establishment of a single building local historic district

Local non-profit advocacy organizations involvement

Historic preservation works best with a wide variety of tools, not just demolition delay. Tools such as historic plaque programs, local preservation award programs, listings on the national register of historic places and local non-profit advocacy organizations are all highly effective methods of furthering historic preservation as a comprehensive historic preservation strategy.

